



west virginia department of environmental protection

Executive Office
601 57th Street
Charleston, WV 25304

Joe Manchin III, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
www.wvdep.org

MEMORANDUM

MEMO TO: All DEP Employees

MEMO FROM: Heather A. Connolly, General Counsel *HAL*

SUBJECT: Location of Public Water Supplies and Homeland Security under FOIA

DATE: October 20, 2005

The Department of Environmental Protection (DEP) was recently presented with an issue concerning the confidentiality of information pertaining to the specific location of public water supplies in the State of West Virginia. The Department has determined that this particular information should not be released to the general public because it is collected by the West Virginia Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, as part of its homeland security efforts to protect "critical infrastructure" and is therefore exempt under the State Freedom of Information Act (FOIA).

Accordingly, all DEP managers and employees must ensure that in the future such information is not provided to the public, either in response to specific FOIA requests or through other means, such as publications and the internet. If this information currently exists on the agency's website or in any brochures within your program responsibility, you must take measures to immediately remove the information.

If you believe it is necessary to provide this information to other government agencies or agency contractors for their work with the agency, please see me, and I will assist you with preparing a non-disclosure agreement. If you have any questions, please feel free to contact me.